

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR 27 2008
CLERK, U.S. DISTRICT COURT
By _____ Deputy

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ORDER

After having considered the Petition for Writ of Habeas Corpus by a Person in State Custody filed by petitioner, Darrell Roberts, on October 1, 2007, the preliminary response of defendant, Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, filed November 2, 2007, the document titled "Petitioners Response to Respondents Preliminary Response" filed by petitioner on January 22, 2008, the findings, conclusions, and recommendation of the United States Magistrate Judge filed January 29, 2008, and petitioner's objections thereto filed March 25, 2008, the court has concluded that none of petitioner's objections are

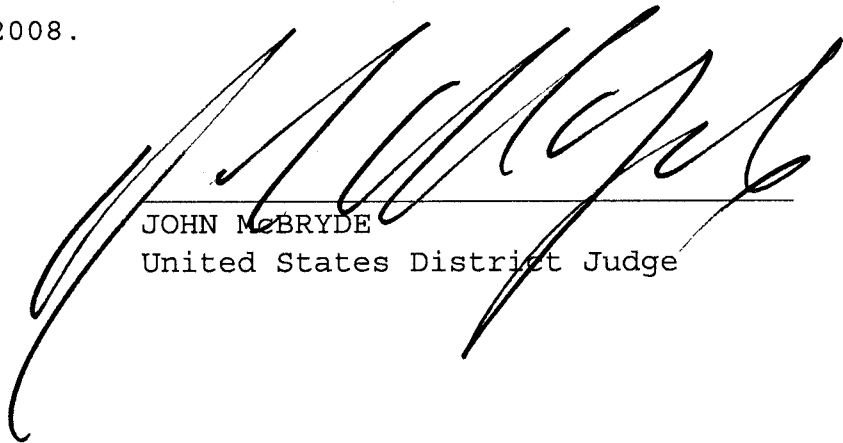
meritorious and that the court should adopt the findings, conclusions, and recommendation of the Magistrate Judge.

The court notes with interest the discrepancies between the reasons given by petitioner in the response he filed January 22, 2008, for the late filing of his federal petition and the reasons he gave in his March 25, 2008, objections for the delay. In the March filing petitioner blames the delay on inadequate access to the law library. In contrast, the January 22 filing makes no mention of inadequate access to the law library, but blames the delay, instead, on mishandling of mail by the prison mail room and transfers of petitioner from one unit or facility to another. The March objections really are not objections to the Magistrate Judge's findings, conclusions, and recommendation in the true sense but, instead, are an attempt to make a completely new record after the Magistrate Judge issued his findings, conclusions, and recommendation. The court is not persuaded by petitioner's objections that the Magistrate Judge erred in any of his findings, conclusions, and recommendation. Therefore,

The court approves, and adopts, the Magistrate Judge's findings, conclusions, and recommendation; and

The court ORDERS that petitioner's Petition for Writ of Habeas Corpus by a Person in State Custody be, and is hereby, dismissed as time barred.

SIGNED March 27, 2008.



JOHN McBRYDE
United States District Judge